

By Craddick

H.J.R. No. 44

A JOINT RESOLUTION

1 proposing a constitutional amendment allowing encumbrances on
2 business homestead property.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article XVI, Section 50, of the Texas
5 Constitution is amended to read as follows:

6 Sec. 50. (a) The homestead of a family, or of a single
7 adult person, shall be, and is hereby protected from forced sale,
8 for the payment of all debts except for:

9 (1) the purchase money thereof, or a part of such
10 purchase money;

11 (2) [7] the taxes due thereon;

12 (3) [~~7--or--for~~] work and material used in constructing
13 improvements thereon, if [~~and--in--this--last--case--only--when~~] the work
14 and material are contracted for in writing, with the consent of
15 both spouses, in the case of a family homestead, given in the same
16 manner as is required in making a sale and conveyance of the
17 homestead; or

18 (4) in the case of a business homestead, any debt that
19 is secured in whole or in part by a lien on the business homestead
20 that is created by a mortgage, deed of trust, or other document.

21 (b) The [~~ner--may--the~~] owner or claimant of the property
22 claimed as homestead, if married, may not sell or abandon the
23 homestead without the consent of the other spouse, given in such
24 manner as may be prescribed by law.

1 (c) No mortgage, trust deed, or other lien on the homestead
2 shall ever be valid, except for the debts described by this section
3 [~~purchase---money---therefor,--or--improvements--made--thereon,--as~~
4 ~~hereinbefore-provided~~], whether such mortgage, or trust deed, or
5 other lien, shall have been created by the owner alone, or together
6 with his or her spouse, in case the owner is married. All
7 pretended sales of the homestead involving any condition of
8 defeasance shall be void. [~~This-amendment-shall-become-effective~~
9 ~~upon-its-adoption.~~]

10 SECTION 2. This proposed constitutional amendment shall be
11 submitted to the voters at an election to be held November 6, 1990.
12 The ballot shall be printed to provide for voting for or against
13 the proposition: "The constitutional amendment granting the right
14 to borrow on equity in a business homestead."

HOUSE JOINT RESOLUTION

proposing a constitutional amendment allowing encumbrances on business homestead property.

JAN 24 1989

1. Filed with the Chief Clerk.

FEB 8 1989

2. Read first time and referred to Committee on

Financial Institutions

3. Reported favorably (as amended) and sent to Printer at (as substituted)

4. Printed and distributed at

5. Sent to Committee on Calendars at

6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of yeas, nays, present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of yeas, nays, present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of yeas, nays, present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of yeas, nays, and present, not voting).

11. Ordered Engrossed at

12. Engrossed.

13. Returned to Chief Clerk at

14. Sent to the Senate.

Chief Clerk of the House

15. Received from the House

16. Read, referred to Committee on

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

20. Regular order of business suspended by

(a viva voce vote.)

(yeas, nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of yeas, nays.

22. Read second time

passed to third reading by: (a viva voce vote.)

(yeas, nays.)

_____ 23. Caption ordered amended to conform to body of bill.

_____ 24. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 25. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

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Secretary of the Senate

_____ 26. Returned to the House.

_____ 27. Received from the Senate (with amendments.)
(as substituted.)

_____ 28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 29. Conference Committee Ordered.

_____ 30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 31. Ordered Enrolled at _____